

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

MAJED AYED SHOHATEE,

Petitioner,

v.

CASE NO. 04-CV-74182-DT
HONORABLE NANCY G. EDMUNDS

ANDREW JACKSON,

Respondent.

_____ /

ORDER DENYING MOTION FOR RECONSIDERATION

This matter is before the Court on Petitioner Shohatee's motion for reconsideration concerning this Court's denial of his habeas petition. Petitioner seeks reconsideration of the Court's determination that he is not entitled to habeas relief on his claim involving his right to counsel of choice at sentencing. Petitioner states that the United States Supreme Court is considering whether the denial of right to counsel of choice is a structural error which requires reversal in *United States v. Gonzalez*, S. Ct. No. 05-352 (reviewing *United States v. Gonzalez-Lopez*, 399 F.3d 924 (8th Cir. 2005)). Petitioner requests that this Court hold this matter in abeyance pending the Supreme Court's decision.

As an initial matter, the Court notes that a motion for reconsideration which presents issues already ruled upon by the court, either expressly or by reasonable implication, will not be granted. *See Hence v. Smith*, 49 F. Supp. 2d 547, 550 (E.D. Mich. 1999); *Czajkowski v. Tindall & Assoc., P.C.*, 967 F. Supp. 951, 952 (E.D. Mich. 1997). Petitioner has not met his burden of showing a palpable defect by which the Court has been misled or his burden of showing that a

different disposition must result from a correction thereof, as required by Local Rule 7.1(g)(3).

Furthermore, the Court need not hold this matter in abeyance pending the Supreme Court's decision in *Gonzalez*. While the time for seeking reconsideration of the Court's decision has expired, Petitioner may pursue a motion for relief from judgment pursuant to Federal Rule of Civil Procedure 60(b) should he believe that the *Gonzalez* decision warrants such action.

Accordingly;

IT IS ORDERED that the motion for reconsideration is **DENIED**.

s/Nancy G. Edmunds
Nancy G. Edmunds
United States District Judge

Dated: May 22, 2006

I hereby certify that a copy of the foregoing document was served upon counsel of record on May 22, 2006, by electronic and/or ordinary mail.

s/Carol A. Hemeyer
Case Manager